



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
New England District

94472d

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Stoneham, Massachusetts 02180
(781) 596-7700
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**WARNING LETTER
NWE-14-04W**

VIA FEDERAL EXPRESS

December 19, 2003

George Burns, Owner
Capital Candy Co., Inc.
32 Burnham Street
Barre, VT 05641-4708

Dear Mr. Burns:

We inspected your seafood processing facility, Capital Candy Company, Inc. located at 32 Burnham Street, Barre, VT on October 22, 2003. We found that you have a serious deviation from the Seafood Hazard Analysis and Critical Control Point (HACCP) regulations, Title 21 Code of Federal Regulations, Part 123 (21 CFR 123). In accordance with 21 CFR 123.6 (g), failure of a processor to have and implement a HACCP plan that complies with this section or otherwise operate in accordance with the requirements of this part, renders the fishery products processed there adulterated within the meaning of Section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act), 21 U.S.C. 342(a)(4). Accordingly, your refrigerated, ready-to-eat seafood and tuna salads are adulterated, in that the products have been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. You may find the Act and the seafood HACCP regulations through links in FDA's home page at www.fda.gov.

The serious deviations observed were as follows:

1. You must conduct a hazard analysis to determine whether there are food safety hazards that are reasonably likely to occur and you must have a written HACCP plan to control any food safety hazards that are reasonably likely to occur, to comply with 21 CFR 123.6(a) and (b). However, your firm does not have a HACCP plan for various refrigerated, ready-to-eat seafood and tuna salad products you routinely receive and store at this location.
2. You must maintain sanitation control records that, at a minimum, document monitoring and corrections to comply with 21 CFR 123.11(c). However, your firm

did not maintain sanitation monitoring records that are required for the processing of your ready-to-eat seafood products.

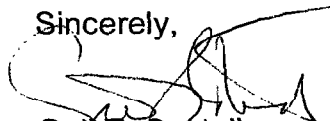
We may take further action if you do not promptly correct this above violation. For instance, we may take further action to seize your product(s) and/or enjoin your firm from operating.

Please respond in writing within fifteen (15) working days from your receipt of this letter. Your response should outline the specific things you are doing to correct this deviation. You should include in your response any documentation, such as your HACCP plan, or other useful information that would assist us in evaluating your corrections. If you cannot complete all corrections before you respond, we expect that you will explain the reason for your delay and state when you will correct any remaining deficiencies.

This letter may not list all the deviations at your facility. You are responsible for ensuring that your processing plant operates in compliance with the Act, the Seafood HACCP regulations and the Good Manufacturing Practice regulations (21 CFR Part 110). You also have a responsibility to use procedures to prevent further violations of the Federal Food, Drug, and Cosmetic Act and all applicable regulations.

You may direct your reply to M. Patricia Murphy, Compliance Officer, at the address noted above. If you have any questions concerning this matter, please contact Mrs. Murphy at (781) 596-7758.

Sincerely,



Gail T. Costello
District Director
New England District Office